

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 05-237 (MJD/FLN)

ALLEN LANE CAIN,

Defendant.

Erika R. Mozangue, Assistant United States Attorney, Counsel for Plaintiff.

Jordan Kushner, Law Office of Jordan S. Kushner, Counsel for Defendant.

I. INTRODUCTION

The above-entitled matter comes before the Court upon Defendant Allen Cain's Motion for Reconsideration of Order Adopting Report and Recommendation. [Docket No. 60] Cain asserts that the Court misconstrued his objections to the October 25, 2005 Report and Recommendation to only request suppression of evidence other than the medical scrubs.

As noted in its December 5, 2005 Order, the Court conducted a de novo review of the entire record, including all of Cain's objections. Based on that review, the Court adopted the entire October 25, 2005 Report and

Recommendation, with the exception of Part II(A), which the Court modified as explained in its December 5 Order. Based on the reasoning of the Report and Recommendation, the Court denied Cain's motion to suppress the medical scrubs. Additionally, in response to Cain's objection that the Report and Recommendation failed to address the admissibility of other evidence seized from Cain's residence, the Court explained that, because the Government would not offer that evidence, Cain's motion to suppress that other evidence was denied as moot. As stated in the December 5 Order, all of Cain's other motions, Defendant's Motion to Suppress Witness Identifications [Docket No. 18] and Defendant's Motion to Suppress Evidence as a Result of Search and Seizure [Docket No. 31], are denied.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

Defendant Allen Cain's Motion for Reconsideration of Order Adopting Report and Recommendation [Docket No. 60] is **DENIED**.

Dated: December 6, 2005

s / Michael J. Davis
Judge Michael J. Davis
United States District Court